1942. File No. 5849/36

B CLASS PUBLIC WORKS DEPARTMENT

E BRANCH

Subject :— Pay

Manage mr. D. G., clerk
Southern Circle
Fixation of —

File No. 5849/36 E.

G. R., G. D., No. 2408, dated 22-6-22.]

Std. Sectt. 78 e.

DOCKET SHEET

Subject:—

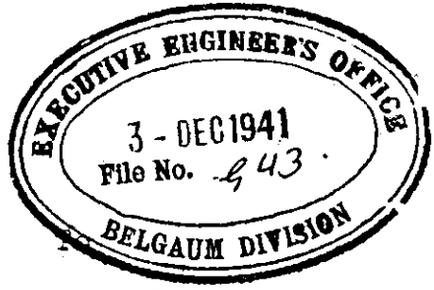
File No. 5849/36

P. W. DEPT.

F BRANCH.

References:—

Date.	To whom sent.	Notes and instructions.



The Secretary to Government,
Public Works Department,
Bombay.

Subject :- Revision of pay.

Sir,

I, D.G.Manage, a graduate clerk in the office of the Executive Engineer, Belgaum Division, beg to bring to your notice the following facts regarding the refixation of my pay @ Rs 45/-p.m. from Rs 55/-p.m. with effect from 1-7-1941 in Government Memorandum P.W.D.No.2648/36-E dated the 30th July 1941, with a sanguine hope that they will be considered favourablly.

D file 2648/36 S.I./A p. 84

2. I was first appointed on 14-4-1935 as an officiating clerk on Rs 40/-p.m. in the office of the Executive Engineer, Belgaum Division, in the vacancy of Mr.K.N.Gokhale, a clerk on the permanent establishment, on Rs 115/-p.m.. He was, however, on deputation as a Divisional Accountant. After two years of continuous service in this post, my pay was raised to Rs 45/- p.m. on 14-4-1937. Further, I continued to officiate against this very post till 1-2-1938. On that date, the Superintending Engineer, S.C. was pleased to transfer me to the Bijapur Division, on its re-opening (please see Executive Engineer, Belgaum Dn's No.G-55 dated the 23rd October 1937 and S.E.S.C.'s No.G-108 dated the 30th January 1938 copies attached). As all the clerical staff sanctioned for the Bijapur Division was on the temporary establishment, my appointment was naturally against one of the temporary posts. Thereafter I was brought back again on the permanent establishment (in officiating capacity) on 1-6-1938 (please see S.E.S.C.'s No. G-44/2 dated the

8th June 1938 copy of the relevant extract attached) . The intervening temporary service of four months from 1-2-1938 to 31-5-1938 has been allowed to count towards increment on the permanent establishment, by the Executive Engineer, Bijapur Division, in consultation with the Accountant General, Bombay, with the result that my pay was raised to Rs 50/-p.m. on 14-5-1939.

3. According to the existing orders of Government, a graduate clerk gets Rs 40/- as starting pay on his first appointment to the Government service. My officiating and temporary service of 3 years, 1 month and 18 days (as detailed below) rendered prior to 1-6-1938, during which period, I had already drawn an increment of Rs 5/-, has not been unfortunately taken into account in fixing my pay @ Rs 40/-p.m. from 1-6-1938.

Details of officiating and temporary service.

	Y.	M.	d.
(1) Officiating service on the permanent establishment from 14-4-1935 to 31-1-1938 (in the Belgaum Division)	2	9	18
(2) Temporary service from 1-2-1938 to 31-5-1938 (in the Bijapur Division)	0	4	0
Total	3	1	18

4. There are, no doubt, some orders to the effect that a temporary man promoted to the permanent establishment, does not get the full benefit of his temporary service for the purpose of increments on the permanent establishment. But my case cannot be covered by these orders as the whole of my service prior to 1-6-1938 is not purely on the temporary establishment.

5. The vacancy of Mr.K.N.Gokhale, in the office of the Executive Engineer, Belgaum Division, referred to in para 2, continued to exist upto 10-4-1939, on which date, the lien of Mr.Gokhale was suspended due to his

having been confirmed on the cadre of Divisional Accountants. Had I not been transferred to the Bijapur Division, during the short period of four months I would have continued to officiate against the aforesaid vacancy on the permanent establishment, in the Belgaum Division and derived the benefit of all my previous service for purposes of increment, pension, etc. My transfer to the Bijapur Division was purely in the interest of Government and that it should result in a severe loss to me, both pecuniary and in service is absolutely unjust and inequitable.

6. The intervening service of four months from 1-2-1938 to 31-5-1938, on the temporary post, being on the same time scale of pay, as the permanent post, in which, I had officiated previously, does count towards increment on the permanent establishment, in accordance with the B.C.S. Rule 41, in so far as no declaration as required by para 4 of G.R.P.W.D.No.1712/27 dated the 9th May 1932 and para 4 of G.C.M.P.W.D.No.2648/36 dated the 25th September 1941, was either given by me or taken from me. Moreover, the question whether this temporary service counts towards increment on the permanent establishment, was referred to the Accountant General, Bombay by the Superintending Engineer, S.C. and that officer opined in the affirmative (please see S.E.S.C.'s No. G- 44/1 dated the 2nd August 1940 copy attached).

7. The facts noted above will convince that I cannot be said to be brought on the permanent establishment purely from the temporary establishment. On that account I may not be debarred from getting the benefit of my previous service of about three years. As all my service prior to 1-6-1938 is not purely on the temporary establishment and as there is no requisite declaration taken from me, as referred to in para 6, I have to

request you to kindly consider my case, as a special one, on its own merits and to hold it as not covered by orders contained in paras 2 (b) and 5 of G.C.M.P.W.D. No. 2648/36 dated the 26th September 1941.

Under these circumstances, I beg to request you kindly to reconsider my case sympathetically and to allow me the rate of pay, I have already drawn, as per details given in the margin.

Rs 40/-p.m.	from	14-4-1935
Rs 45/- "	"	14-4-1937
Rs 50/- "	"	14-5-1939
Rs 55/- "	"	14-5-1941

For this act of kindness, Sir, I shall ever remain grateful.

I beg to remain,

Sir,

Your most obedient servant,

OG Manager-clerk

Executive Engineer's office
Belgaum Division, Belgaum
3rd December 1941.

Respectfully submitted through the Executive Engineer, Belgaum Division and the Superintending Engineer, Southern Circle, Belgaum.

Confidential. No. G-55.

Office of the Ex. Engineer, B.Dn.

Belgaum, 23rd October 1937.

To

Mr. D.G.Manage,

Officiating Clerk,

Executive Engineer's Office, B.Dn.,

Belgaum.

M E M O ;-

Please note that he is proposed for transfer to Bijapur, should Bijapur Division is re-opened as soon as orders of Government regarding the re-opening are received He should, therefore, hold himself in readiness to proceed to Bijapur at short notice.

Sd. L.E.Greening.

Executive Engineer,

Belgaum Division.

Copy of S.E.S.C.'s memo No. G-108 dated the 30th January 1938 to the Executive Engineer, Belgaum Division, Belgaum.

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Subject :- Re-opening of the Bijapur Division.

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" Consequent on the temporary re-opening of the Bijapur Division for one year with effect from 1-2-1938 as sanctioned in G.M.P.W.D.No.1804/36-E dated 27-1-1938, the following transfers and promotions in the clerical establishment are ordered.

Transfers.

Name of the clerk	From	To
1. Mr.Y.R.Kulkarni.	Divisional office, Belgaum.	Divisional office Bijapur,as Senior Accounts clerk.
2. " D.G.Divekar	- Do -	Divisional office Bijapur.
3. " Y.K.Patil.	Sub-Divisional office, Belgaum (Roads & Bldgs)	- Do -
4. " A.H.Hubli.	-Do- Bijapur.	- Do -
5. " D.G.Manage,B.Sc.	Divisional office,Belgaum.	- Do -

These clerks should be relieved immediately and directed to join their new appointments without delay as they have had sufficient notice, vide this office Confidential Memo. No.G-55 dated 19-10-1937.

Promotions.

1. Mr.S.K.Deshpande, clerk on Rs 100/-p.m. is promoted as a temporary Senior Accounts clerk on Rs 105/-p.m. in the revised grade of Rs 95-5-115.

2. Mr. D.G.Divekar and Mr.L.N.Agashe clerks on Rs 70/-p.m. are promoted as provisional clerks on Rs 75/-p.m. each in the old grade of Rs 75-5-100.

3. Mr. Y.K.Patil appointed as an officiating clerk on Rs 33-10-0 should join the Divisional office, Bijapur, instead

of the Divisional office, Ratnagiri, vide this office order No. G-44 dated the 27th January 1938, a temporary clerk on Rs 30/-p.m. being appointed in his place in the Divisional office Ratnagiri.

4. Messrs.A.H.Hubli, D.G.Manage and M.N.Madhale are appointed as temporary clerks in the revised grade of Rs30-5/2-65 and should continue to draw their present monthly rate of pay.

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No. G-108. Office of the Ex. Engineer, B.Dn.
Belgaum, 2nd February 1938.

Copy forwarded to Messrs :-

1. Y.R.Kulkarni, Head Clerk.
2. D.G.Divekar, Clerk.
3. Y.K.Patil, " .
4. A.H.Hubli, " .

and

5. D.G.Manage, " .

for information.

Sd. L.E.Greening.
Executive Engineer,
Belgaum Division.

Extract sub-paras 2 and 3 from the Superintending Engineer, Southern Circle's Office Order No.G-44/2 dated the 8th June 1938.

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" Mr. D.G.Manage, B.Sc.,temporary clerk on Rs 45/-p.m. is promoted as an officiating clerk on the same pay vice Mr. M.R.Sonekhan and should continue to work in the Divisional Office, Bijapur. "

" The promotion in the case of Mr. Manage should take effect from 1st June 1938 and appointment of Mr. Hiremath to the Divisional Office, Bijapur should have effect from the date on which he joins his duties. "

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No. G.-44/1 Office of the Executive Engineer,Bj.D
Bijapur, 16th June 1938.

Forwarded to Mr. D.G.Manage, B.Sc., temporary clerk for information.

Sd. S.K.Karandikar.
Executive Engineer,
Bijapur Division.

Copy of Memo. No. G-44/1 dated the 2nd August 1940, from the Superintending Engineer, Southern Circle, Belgaum to the Executive Engineer, Belgaum Division.

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Subject :- Mr. D.G.Manage, clerk. - Increment to

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" In continuation of this office No. G-44 dated the 24th July 1940, the Executive Engineer is informed, with compliments, that the Accountant General, Bombay has intimated that the period of temporary service rendered by Mr.D.G.Manage, clerk from 1st February 1938 to 31st May 1938 may be allowed to count for increment in the time scal of Rs 25-5/2-65. The recovery of Rs 20/-ordered in para 4 of this office No. G-44 dated the 20th June 1940, need not, therefore, be made.

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No. G-44 Office of the Ex. Engineer, Belgaum D
Belgaum, 10th August 1940.

Copy forwarded to Mr. D.G.Manage, clerk, for information in continuation to this office No. G-44 dated the 1st July 1940.

Sd. C.G.Kale.
Executive Engineer,
Belgaum Division.

Reply to Executive Engineer, Belgaum Division's endorsement No.G-43, dated the 4th December 1941.

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Subject:-Mr.D.G.Manage, clerk:
Representation of -.

No.G-43. Public Works Department,
Belgaum, 24th December 1941.

The Superintending Engineer has the honour to observe that Mr.D.G.Manage, clerk, has made the representation to Government for reconsideration of the orders issued in Government Memorandum No.2648/36-E, dated the 30th July 1941 regarding fixation of his pay on the grounds that -

(i) but for his transfer to the Bijapur Division as a temporary clerk from the 1st February 1938 to 31st May 1938 he would have continued to officiate against a permanent vacancy and in that case G.R.(P.W.D.) No.1712/27, dated the 9th May 1932 requiring his pay to be reduced by 16 per cent would not have applied to him

&

(ii) that the declaration as required by para 4 of the above G.R. was not taken from him.

2. With regard to (i), attention is invited to para 3 of G.C.M.(P.W.D.) No.2648/36, dated the 25th September 1941 wherein Government have made it clear that the principles of reducing the pay by 16 per cent should be observed in fixing the pay of temporary persons appointed to officiate in permanent posts. From this it is clear that the 16 per cent reduction in pay would have applied to Mr.Manage had he continued to officiate in a permanent vacancy instead of his being appointed as temporary clerk for some period in the middle.

3. As regards (ii), attention is invited to G.R.(F.D.) No.P.259, dated the 19th December 1940 which requires that the pays of the staff should be verified and fixed strictly in accordance with the rules.

4. From para 2 above it will be seen that the pay of Mr.Manage when he was appointed to officiate in a permanent post on the 1st June 1938 was not fixed according to the rules and hence it has been refixed now.

5. The omission to obtain the declaration referred to in para 1(ii) above, does not vitiate the powers of Government to refix the pay if incorrectly fixed in the first instance.

6. Since Government have, very recently after careful consideration, issued orders refixing the pay of Mr.Manage and others whose cases are similar, no useful purpose will be served by the present representation which has, therefore, been recorded in this office.

7. Mr.Manage should please be informed accordingly.

Sd. L. E. Greening

Superintending Engineer,S.C.

Statement showing details of officiating and Temporary service rendered by Mr.D.G.Manage,Clerk and the pay allowed to him on different dates.

Name.	Temporary service in the scale of Rs. 25-5/2-65		Officiating service in the scale of Rs. 25-5/2-65		Rate of pay allowed.	Remarks.
	From	To	From	To		
Mr. D.G.Manage, clerk.			14-4-35	12-4-37	Rs. 40	Officiated as a clerk in the leave vacancy.
			13-4-37	12-8-37	90	Officiated as Storekeeper.
			13-8-37	31-1-38	45	
	1-2-38	31-5-38			45	
			* 1-6-38	7-11-38	45	* Appointed as provisional permanent clerk.
			8-11-38	13-5-39	45	

B.V.G.

L. C. Greening
Superintending Engineer,S.C. 10/3/42

Below application dated the 3rd December 1941 from Mr.D.G.Manage, clerk, and copy of this office reply thereto bearing No.G-43, dated the 24th December 1941.

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No.G-43. Public Works Department,
Belgaum, 10th March 1942.

Passed on, with compliments, to the Secretary to Government, Public Works Department, Bombay, for favour of disposal with reference to Government Memorandum No. 2648/36-E, dated the 30th July 1941.

× File 2648/36 Sup A p.84.

2. A statement showing the total service of Mr.D.G. Manage,B.Sc., is enclosed.

3. Mr.Manage requests for the reconsideration of the above orders on the grounds of compassion stating that the reduction of his monthly pay from Rs. 55/- to Rs. 45/- in these days of war is a personal calamity.

4. Further, he mentions that the principles of the 16 per cent reduction in pay laid down in G.R.No.1712/27, dated the 9th May 1932 cannot be made applicable to those Government servants, like himself who were appointed to officiate in permanent posts, due to the deputation of the permanent incumbents etc in the first instance and who continued to officiate in such posts until they were taken on to the permanent establishment.

5. As the orders referred to above were not clear on the point, Government have now issued orders in para 3 of their Circular Memorandum No.2648/36, dated the 25th September 1941 to the effect that the principles of the 16 per cent reduction should be observed in fixing the pay of all temporary persons appointed to officiate in permanent posts.

6. In view of this decision, Mr.Manage's contention in para 4 above cannot be established neither can the argument that, but for his appointment as a temporary clerk in the Divisional office, Bijapur, from the 1st February 1938 to the 31st May 1938 he would have continued to officiate in the permanent post and would have derived the benefit of all his previous officiating service for purposes of increment.

7. As regards the declaration, it does not appear to have been obtained from Mr.Manage, as it was not clear, prior to the issue of G.C.M.No.2648/36, dated the 25th September 1941 as to whether the 16 per cent reduction was applicable to officiating clerks and no reduction in pay was made when promoting Mr.Manage from the post of clerk on the temporary establishment held by him as officiating clerk on the permanent establishment.

File 2648/36 Sup A p.96 ←

8. Nevertheless it appears that Government can refix the pay of a Government servant if such action is considered to be necessary.

9. However it may be mentioned that in a similar case in respect of the fixing of the pay of Mr.B.S.Patil, clerk, (from whom however the declaration as laid down in G.R.No.1712/27, dated the 8th May 1932 was obtained), Government were pleased to

allow

* Collect GR's from up

allow his officiating service to count for increment vide G.O.No.8900/27-E, dated the 8th September 1934.

* File 8900/27 Stage B p.13

10. In view of this action, the undersigned would recommend that, purely as an act of grace, Mr.Manage may be allowed to count his previous service in the same scale for purposes of increment and to draw the monthly pay at Rs. 55/- as before.

Accompts:-
As above.

L.E.Greening. 10/3/42.
Superintending Engineer,S.C.

V.M.T.

E 12/3

PUBLIC WORKS DEPARTMENT
File No. 5849/36
11. MAR 1942
Serial No. 6479

E.B
11-3-42

5849/36.

Note in E.B.

The S.E., S.C., recommends that as an act of grace Govt. may be moved to refix the pay of Mr. Manage on his apptt. to the permt. estt. (as a clerk) at Rs. 55/- p.m. instead of at Rs. 45/- from the 1-6-40, vide G.M.No.2648/36-E, dated the 30-7-41.

2. Mr. Manage's pay has been fixed in accordance with the orders issued by Govt. in G.C.M.No.2648/36, dated the 25-9-41. In fact Mr. Manage's case was one of those which led to the issue of the Circular referred to above - vide pl. para.7 of the office note, dated the 11-11-40 in file No.2648/36.

3. The S.E. has quoted the case of Mr. B.S.Patil as a precedent. It was considered that in Mr. Patil's case the application of the orders contained in para 2(vi) of G.R.No.1712/27, dated the 9-5-32 would constitute a real hardship. His pay was fixed at Rs. 50/- p.m. on his confirmation as a special case. It is for orders whether -

(i) the recommendation made by the S.E., S.C., may be accepted in u.o. consultation with the F.D.,

or

(ii) whether the S.E. may be informed that the recommendation made by him to refix Mr. Manage's pay cannot be granted.

S.A.J.
20-4-42

I do not think this case should be re-opened; it was as I then definitely opposed at the time the G.R. was issued, and the ruling appears correct. It would form a doubtful precedent to give this man a higher pay "as an act of grace". As in para 3 (ii) I think

20/4

I agree. Case is clear

21/4

21/4

KVB.20/4.

5849/36.

No 5849/36-E.

P. W.D.

B.C., 22nd April '42.

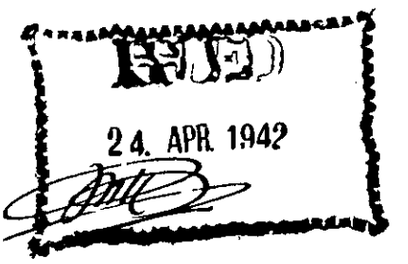
Memo.

Refixation of pay of
Mr D. G. Manage, clerk. p.23

With ref to his endt. No C-43
dated the 10-3-42, the S.E., S-C., is
informed, with compliments, that
the recommendation made by him to
refix the pay of Mr D.G. Manage,
clerk at Rs 55/- p.m. from the 1-6-40
cannot be accepted. Mr Manage
may pl. be informed accordingly.

S.E.
21-4-42

By order of the G.O.B.



11/4

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Dy

Asstt 11/4

11/4